

6768. Adulteration of tomatoes. U. S. * * * v. William W. Finney.
Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9149. I. S. No. 8559-p.)

On November 18, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Finney, Bel Air, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 20, 1917, from the State of Maryland into the State of Texas, of a quantity of an article, labeled in part "Quarryville Brand Tomatoes," which was adulterated.

The immersion refractometer readings of the juice at 20° C. by the Bureau of Chemistry of this department showed the tomatoes contained added water, estimated approximately at 10 per cent or over in the majority of cans.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for tomatoes, which the article purported to be.

On November 18, 1918, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

J. R. RIGGS, *Acting Secretary of Agriculture.*

6769. Misbranding of Zaegel's Lung Balsam and Z. M. O. U. S. * * * v. Max R. Zaegel (Max R. Zaegel & Co.). **Plea of guilty. Fine, \$200.** (F. & D. No. 9156. I. S. Nos. 12606-12607-p.)

On October 28, 1918, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max R. Zaegel, trading as Max R. Zaegel & Co., Sheboygan, Wis., alleging shipment by said defendant, on or about September 19, 1917, from the State of Wisconsin into the State of Minnesota, of quantities of articles, labeled in part "Zaegel's Lung Balsam" and "Z. M. O.," which were misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the Lung Balsam consisted essentially of sirup containing a small amount of plant extract, colored red and flavored with oil of peppermint, and that the Z. M. O. consisted essentially of a mixture of oils including sassafras and menthol, and a small amount of unidentified fatty oil.

It was alleged in substance in the information that the Lung Balsam was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a remedy, treatment, and cure for diseases of the lungs, coughs, and effective to remove the cause of irritation and give ease and comfort to the lungs, when, in truth and in fact, it was not. It was alleged in substance that the article was misbranded for the further reason that certain statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy, treatment, and cure for coughs, lung and throat troubles, and whooping cough, and effective when used in connection with Z. M. O. as a remedy, treatment, and cure for pneumonia, and effective when used in connection with Zaegel's Essence as a remedy, treatment, and cure for consumption, when, in truth and in fact, it was not.

It was alleged in substance that the Z. M. O. was misbranded for the reason that certain statements appearing on the labels of the bottles and cartons falsely and fraudulently represented it as a treatment, remedy, and cure for